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09/673,947	12/15/2000	Bernard Viville	518-1013	8926

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/673,947

Applicant(s)  
VIVILLE

Examiner  
James O. Hansen

Art Unit  
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 14, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-14 and 16-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16, and 18-20 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Jan 14, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on January 14, 2003. These drawings are approved by the examiner. ✓
2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 22, 2002 are still disapproved because they introduced new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure did not support the showing of the structure as represented by reference no. 10 in figure 2. ✓

### *Specification*

3. The amendment filed April 22, 2002 is objected to under 35 U.S.C. 132 because it introduced new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which was not supported by the original disclosure is as follows: the substitution of the reference no. 10 for the phrase "not shown either" relating to the lifting means. It is noted that a generic representation of the 'lifting means' would be approved [an arrow pointing to the mast e.g., and properly designated]. ✓

Applicant is required to cancel the new matter in the reply to this Office Action.

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*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11-14 & 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Novak [U.S. Patent No. 1,676,108]. Novak (figures 1-7) teaches of a chest (8) being provided with a vertical mast (19 for example) on which supports (top two 17's) are fixed, the chest having lifting means (see fig. 2) in the chest for moving the mast in vertical translation, the supports being movable in rotation about an axis which coincides with the mast [rotatable with respect to the mast]. The chest being suitable for maintaining a constant temperature (enclosed), the mast being adjacent to one of it's vertical edges (figs. 1-2), the chest including a housing (5 for example) for thermal blocks, the chest including a spacer (16 for example) located between the supports on the mast, a retractable guide (bottom 17 for example) for facilitating insertion of the supports, and the chest including casters (7) on a bottom thereof.

6. Claims 11-14, 16 & 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffmann et al., [U.S. Patent No. 3,531,169]. Hoffmann (figures 1-9) teaches of a chest (10) being provided with a vertical mast (79 for example) on which supports (82) are fixed, the chest having lifting means (64 and associated elements) in the chest for moving the mast in vertical translation, the supports being movable in rotation about an axis which coincides with the mast [rotatable with respect to the mast]. The chest being suitable for maintaining a constant

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temperature (see spec.), the mast being adjacent to one of it's vertical edges (figs. 7), the chest including a housing (32) for thermal blocks, the chest including a spacer (80 for example) located between the supports on the mast, a retractable guide (77 for example) for facilitating insertion of the supports, and the chest including casters (20) on a bottom thereof.

### *Response to Arguments*

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Allowable Subject Matter*

8. Pending further consideration, Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spalvins, Ackles and British publication 645,071 describe structures with vertically moving elements having support means. Holstein describes a structure having a fork support with tines including facing grooves.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers for Official Papers** are as follows:

**Before Final (703) 872-9326 & After Final (703) 872-9327.**

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen  
Primary Examiner  
Technology Center 3600

JOH  
January 24, 2003